

1
2
3
4
5
6
7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE DISTRICT OF ARIZONA

9 IN RE BARD IVC FILTERS PRODUCTS
10 LIABILITY LITIGATION

11 No. 2:15-MD-02641-DGC

12 **SECOND AMENDED MASTER
13 SHORT FORM COMPLAINT FOR
14 DAMAGES FOR INDIVIDUAL
15 CLAIMS AND DEMAND FOR JURY
16 TRIAL**

17 Plaintiff(s) named below, for their Complaint against Defendants named below,
18 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).
19 Plaintiff(s) further show the Court as follows:

20 1. Plaintiff/Deceased Party:

21 Gregory Shrum

22 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
23 consortium claim:

24 N/A

25 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
26 conservator):

27 N/A

28 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
at the time of implant:

Kentucky

1 5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
2 at the time of injury:

3 Tennessee

4 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

5 Tennessee

6 7. District Court and Division in which venue would be proper absent direct
7 filing:

8 Tennessee Middle District Court, Nashville or Kentucky Western District Court, Paducah

9 8. Defendants (check Defendants against whom Complaint is made):

10 C. R. Bard Inc.

11 Bard Peripheral Vascular, Inc.

12 9. Basis of Jurisdiction:

13 Diversity of Citizenship

14 Other: MDL 2641 Centralization

15 a. Other allegations of jurisdiction and venue not expressed in Master
16 Complaint:

17

20 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making
21 a claim (Check applicable Inferior Vena Cava Filter(s)):

22 Recovery® Vena Cava Filter

23 G2® Vena Cava Filter

24 G2® Express Vena Cava Filter

25 G2® X Vena Cava Filter

26 Eclipse® Vena Cava Filter

27 Meridian® Vena Cava Filter

□ Denali® Vena Cava Filter

Other:

11. Date of Implantation as to each product:

~~06/16/2004~~ 09/16/2004 and 09/30/2004

12. Counts in the Master Complaint brought by Plaintiff(s):

- Count I: Strict Products Liability – Manufacturing Defect
- Count II: Strict Products Liability – Information Defect (Failure to Warn)
- Count III: Strict Products Liability – Design Defect
- Count IV: Negligence - Design
- Count V: Negligence - Manufacture
- Count VI: Negligence – Failure to Recall/Retrofit
- Count VII: Negligence – Failure to Warn
- Count VIII: Negligent Misrepresentation
- Count IX: Negligence *Per Se*
- Count X: Breach of Express Warranty
- Count XI: Breach of Implied Warranty
- Count XII: Fraudulent Misrepresentation
- Count XIII: Fraudulent Concealment
- Count XIV: Violations of Applicable Tennessee/Kentucky (insert state) Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- Count XV: Loss of Consortium
- Count XVI: Wrongful Death
- Count XVII: Survival
- Punitive Damages

1 Other(s): All claims for Relief set forth in the Master Complaint for an
2 amount to be determined by the trier of fact including for the following:
3 (please state the facts supporting this Count in the space immediately
4 below):

5 Plaintiff had two Recovery IVC filters placed ~~on 9/30/2004~~. Both filters
6 have fractured struts. One fractured strut is embedded in the vein wall.
7
8 The other piece has migrated to an unknown location.

9 13. Jury Trial demanded for all issues so triable?

10 Yes

11 No

12 RESPECTFULLY SUBMITTED this 9th day of May, 2019.

13 **JOHNSON LAW GROUP**

14
15 By: /s/ Clint Reed
16 TX Bar No. 24084674
17 2925 Richmond Ave.,
18 Suite 1700
19 Houston, Texas 77098
20 Tel: 713-626-9336
21 Fax: 713-626-3394

22 I hereby certify that on this 9th day of May, 2019, I electronically
23 transmitted the attached document to the Clerk's Office using the CM/ECF System for
24 filing and transmittal of a Notice of Electronic Filing.

25
26
27
28 /s/ Clint Reed